

DECISION



265 + 4
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-211701

DATE: November 29, 1983

MATTER OF: Lawrence O. Hatch

DIGEST:

The employee, prior to leaving his permanent duty station (Fort Meade, Maryland), for South Thomaston, Maine, his leave point, was authorized travel from Boston to temporary duty stations (Los Angeles and Santa Barbara, California) and return to Boston. Since the authorization for temporary duty occurred before departure from the permanent duty station, he was properly reimbursed actual travel expenses not exceeding the constructive cost of round-trip travel by a direct usually traveled route between the permanent and temporary duty stations.

We decide that the National Security Agency properly limited reimbursable travel expenses of its employee, Mr. Lawrence O. Hatch, who traveled from the point where he was on annual leave to his temporary duty station and return, to the expenses he would have incurred had he traveled by a usually traveled route between his permanent and temporary duty stations.¹

On July 1, 1982, Mr. Hatch received travel orders to perform temporary duty in Los Angeles and Santa Barbara, California. The trip was scheduled to begin on August 22, 1982, and continue approximately 5 days. Although his permanent duty station was Fort Meade, Maryland, the orders authorized the travel at Government expense to begin and end at Boston, Massachusetts. Evidently the orders designated Boston the point of departure and return because he planned to vacation with his family, as he regularly did each year, in South Thomaston, Maine, during the period that the temporary duty was scheduled.

¹The Finance and Accounting Officer, National Security Agency, requested this advance decision, and the Per Diem, Travel and Transportation Allowance Committee assigned the request PDTATAC Control No. 83-13.

027240

Mr. Hatch's vacation leave extended from July 19 to August 27, 1982, with interruption for the scheduled temporary duty travel to Los Angeles and Santa Barbara between August 22-26 as authorized in the travel orders.

Mr. Hatch claimed expenses based on travel by privately owned vehicle from his leave point at South Thomaston, to Portland, Maine, then from there by commercial air carrier to Boston and Los Angeles, with return by the same route and modes of transportation after temporary duty in Los Angeles and Santa Barbara. However, the Finance and Accounting Officer denied the claimed expenses for travel from South Thomaston to Boston and return because the travel orders did not authorize expenses for this portion of the trip, and limited reimbursement to expenses based upon constructive travel by commercial air directly from Baltimore, Maryland, to Los Angeles and return. This action was based on the fact that this route is the direct and usually traveled route from the permanent duty station at Fort Meade.

Mr. Hatch believes he should be reimbursed the round-trip cost between leave point and temporary duty locations. He states that the leave dates for his family and himself could not be altered and had he been forced to return to his permanent duty station prematurely before completion of his leave he would not have undertaken the directed travel to Los Angeles and Santa Barbara. Also, he notes that since travel orders were issued on July 1, 1982, the Government in effect agreed to reimburse the expenses incurred between Boston and Los Angeles.

As a result the Finance and Accounting Officer requests our decision on the proper method of reimbursement. Should it be based on the total travel from leave point to temporary duty locations and return, or on the round trip between Boston and the temporary duty locations as authorized in the travel orders (disallowing round-trip travel expenses between the leave point and Boston)? Or was the limitation to round-trip expenses by a direct usually traveled route between his permanent duty station and temporary duty locations proper?

Paragraph C2000 of Volume 2 of the Joint Travel Regulations (2 JTR), provides that when a person travels by an indirect route or interrupts travel by direct route for

his or her own convenience the extra expense should be borne by the individual. Reimbursement for expenses shall be based on the charges that would have been incurred by the usually traveled route.

Paragraph C4555-3 of 2 JTR provides that where an employee is ordered to perform temporary duty which interrupts his leave status he may be allowed per diem and travel expenses from the place where the leave was interrupted to the temporary duty point and return limited to the constructive travel and expense from the employee's permanent station to the temporary duty point and return.

In this connection we have held that ordinarily where the authorization of temporary duty interrupting annual leave occurs prior to the departure, actual temporary duty travel expenses may be reimbursed not to exceed the constructive round-trip costs allowable between the permanent and temporary duty stations. 24 Comp. Gen. 443 (1944); Grega Marshall, 58 Comp. Gen. 797 (1979); Alan G. Bolton, Jr., B-200027, August 24, 1981; Wallace W. Tanaka, B-187926, June 8, 1977. We have also held that it is immaterial if, as in Mr. Hatch's case, the employee resumes the annual leave after the temporary duty, since the essential fact is that the authorization was issued before the employee left the permanent duty station. 29 Comp. Gen. 173 (1949); B-133933, October 25, 1957.

Although Mr. Hatch states that his annual leave dates could not be altered and that he would not have returned prematurely to his permanent duty station to begin travel, we point out that the scheduling of annual leave and temporary duty assignments and recall to headquarters are matters that are subject to the discretion and control of the employing agency. The employee may travel on leave to the location of his choice, and he ordinarily bears the expense of returning to his permanent duty station. See 39 Comp. Gen. 611 (1960), and 16 Comp. Gen. 481 (1936). Concerning the assurance to Mr. Hatch that the travel orders authorized reimbursable expenses from Boston to temporary duty locations and return, we have repeatedly held that the Government is not liable if an official exceeds his authority by granting a benefit in excess of that authorized by law.

Accordingly, Mr. Hatch, may be reimbursed the expenses of his travel not to exceed expenses which would be incurred

B-211701

by the usually traveled route between his permanent duty station at Fort Meade, and the temporary duty locations in California, including Baltimore to Los Angeles air fare and return.

Finally, we have considered the Finance and Accounting Officer's inquiry as to whether personnel directing travel may consider both the Government's needs and the employee's personal desires and give prior authorization to begin reimbursable travel from a leave point in excess of constructive travel between permanent and temporary duty stations.

In view of the pertinent regulations and decisions of this Office, no authority exists for the payment of travel and transportation allowances in excess of those that would be incurred by the direct and usually traveled route between the employee's permanent station and temporary duty point and return in the circumstances presented.

Milton J. Fowler
for Comptroller General
of the United States